

Exhibit 16
In Support of
Non-Party Meta Platforms, Inc.’s
Motion for Protective Order

From: [Moorthy, Neelesh](#)
To: [Patchen, Kate](#); [Fitch, Jackie](#)
Cc: [Vissichelli, Allison M.](#); "[GoogleEDTX3PCommunications@freshfields.com](#)"
Subject: RE: Meta Subpoena | State of Texas et al. v. Google LLC, No. 4:20-CV-00957-SDJ (E.D. Tex.)
Date: Wednesday, May 15, 2024 5:16:15 PM
Attachments: [image001.png](#)
[image002.png](#)
[AxinnLogo_dd529d1a-7f78-430f-ab93-0b88b8611e63.png](#)

[EXTERNAL]

Hi Kate,

Thanks for confirming Meta consents to the reproduction. We confirm that the documents/data will be marked as highly confidential when reproduced.

Thank you,
Neel

Neelesh Moorthy
Associate



Axinn, Veltrop & Harkrider LLP
55 Second Street
San Francisco, CA 94105
Office 415.490.1893
Fax 415.490.2001
nmoorthy@axinn.com
Axinn.com

Pronouns | He, Him, His

From: Patchen, Kate <KPatchen@cov.com>
Sent: Wednesday, May 15, 2024 2:03 PM
To: Moorthy, Neelesh <nmoorthy@axinn.com>; Fitch, Jackie <JFitch@cov.com>
Cc: Vissichelli, Allison M. <avissichelli@axinn.com>;
'[GoogleEDTX3PCommunications@freshfields.com](#)'
<[GoogleEDTX3PCommunications@freshfields.com](#)>
Subject: RE: Meta Subpoena | State of Texas et al. v. Google LLC, No. 4:20-CV-00957-SDJ (E.D. Tex.)

Caution: External Email

Hi Neel,

Thanks for your explanation below. Meta has no objection to the reproduction. Please mark the documents as highly confidential.

Thanks,
Kate

Kate Patchen

Covington & Burling LLP
Salesforce Tower, 415 Mission Street, Suite 5400
San Francisco, CA 94105-2533
T +1 415 591 6031 | kpatchen@cov.com
www.cov.com

From: Moorthy, Neelesh <nmoorthy@axinn.com>
Sent: Wednesday, May 15, 2024 11:06 AM
To: Patchen, Kate <KPatchen@cov.com>; Fitch, Jackie <JFitch@cov.com>
Cc: Vissichelli, Allison M. <avissichelli@axinn.com>;
'GoogleEDTX3PCommunications@freshfields.com'
<GoogleEDTX3PCommunications@freshfields.com>
Subject: RE: Meta Subpoena | State of Texas et al. v. Google LLC, No. 4:20-CV-00957-SDJ (E.D. Tex.)

[EXTERNAL]

Hi Kate,

The Special Master appointed by the Eastern District of Texas has directed Google to produce unredacted versions of its EDVA expert reports. One of the reports quotes material from FBDOJ006078986. While FBDOJ006078986 has not been produced in the EDTX litigation, an identical version of that document was produced as FBDOJGOOG_00395666.

Could you please confirm that Meta has no objection to unredacting the Bates number of the unproduced document (FBDOJ006078986) and the material quoted from this document, which also appears in FBDOJGOOG_00395666?

Thank you for looking into the data request identified below; we look forward to your response.

Best regards,
Neel

Neelesh Moorthy
Associate



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From: Patchen, Kate <KPatchen@cov.com>
Sent: Tuesday, May 14, 2024 5:39 PM
To: Moorthy, Neelesh <nmoorthy@axinn.com>; Fitch, Jackie <JFitch@cov.com>
Cc: Vissichelli, Allison M. <avissichelli@axinn.com>;
'GoogleEDTX3PCommunications@freshfields.com'
<GoogleEDTX3PCommunications@freshfields.com>
Subject: RE: Meta Subpoena | State of Texas et al. v. Google LLC, No. 4:20-CV-00957-SDJ (E.D. Tex.)

Caution: External Email

Hi Neel,

Would you please confirm that you have access to FBDOJGOOG_00395666 in the Texas production?
It is the same doc as the one you identified below. Generally, we don't think we need to agree to reproduce docs that are already in discovery. Let me know if you have a different view.

We will get back to you on the other data sets.

Thanks,
Kate

Kate Patchen

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Salesforce Tower, 415 Mission Street, Suite 5400
San Francisco, CA 94105-2533
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www.cov.com

From: Moorthy, Neelesh <nmoorthy@axinn.com>
Sent: Monday, May 13, 2024 5:07 PM

To: Fitch, Jackie <JFitch@cov.com>; Patchen, Kate <KPatchen@cov.com>

Cc: Vissichelli, Allison M. <avissichelli@axinn.com>;

'GoogleEDTX3PCommunications@freshfields.com'

<GoogleEDTX3PCommunications@freshfields.com>

Subject: RE: Meta Subpoena | State of Texas et al. v. Google LLC, No. 4:20-CV-00957-SDJ (E.D. Tex.)

[EXTERNAL]

Hi Kate, Jackie,

We have identified a few files that were produced as part of the DOJ Investigative File or in response to Google's subpoena in the Eastern District of Virginia, but were not included in our prior list.

Could you please confirm whether Meta consents to Google reproducing these documents/data in the Eastern District of Texas litigation?

- Exhibit 8-08-R - CONFIDENTIAL TREATMENT REQUESTED.csv
- Exhibit 8-09-R2 - UPDATED - Highly Confidential.csv
- Exhibit 8-04-R - CONFIDENTIAL TREATMENT REQUESTED.csv
- FBDOJ006078986

Thank you,
Neel

Neelesh Moorthy

Associate



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From: Fitch, Jackie <JFitch@cov.com>

Sent: Thursday, May 2, 2024 7:19 AM

To: Moorthy, Neelesh <nmoorthy@axinn.com>; Patchen, Kate <KPatchen@cov.com>

Subject: RE: Meta Subpoena | State of Texas et al. v. Google LLC, No. 4:20-CV-00957-SDJ (E.D. Tex.)

Caution: External Email

Hi Neel,

With the correction on 8-02 below, Meta consents to Google reproducing the outstanding files below to Texas. We would appreciate if you can send us a courtesy copy for our records so we can track what's going over.

Best,
Jackie

Jacqueline Fitch

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www.cov.com

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From: Moorthy, Neelesh <nmoorthy@axinn.com>
Sent: Wednesday, May 1, 2024 6:25 AM
To: Patchen, Kate <KPatchen@cov.com>
Cc: Fitch, Jackie <JFitch@cov.com>
Subject: RE: Meta Subpoena | State of Texas et al. v. Google LLC, No. 4:20-CV-00957-SDJ (E.D. Tex.)

[EXTERNAL]

Hi Kate,

Apologies, and thank you for flagging. That entry is one we found in the Texas file and as such we do not request consent to reproduce.

Thank you,
Neel

Neelesh Moorthy
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From: Patchen, Kate <KPatchen@cov.com>
Sent: Wednesday, May 1, 2024 10:39 AM
To: Moorthy, Neelesh <nmoorthy@axinn.com>
Cc: Fitch, Jackie <JFitch@cov.com>
Subject: FW: Meta Subpoena | State of Texas et al. v. Google LLC, No. 4:20-CV-00957-SDJ (E.D. Tex.)

Caution: External Email

Hi Neel,

Can you please confirm that the highlighted entry below is correct?

Thanks,
Kate

From: Moorthy, Neelesh <nmoorthy@axinn.com>
Sent: Wednesday, May 1, 2024 10:31 AM
To: Fitch, Jackie <JFitch@cov.com>; Patchen, Kate <KPatchen@cov.com>
Cc: Vissichelli, Allison M. <avissichelli@axinn.com>; Bitton, Daniel S. <dbitton@axinn.com>;
GoogleEDTX3PCommunications@freshfields.com
Subject: RE: Meta Subpoena | State of Texas et al. v. Google LLC, No. 4:20-CV-00957-SDJ (E.D. Tex.)

[EXTERNAL]

Hi Jackie,

I've put together the table below indicating what is outstanding.

Data Production	Is the Data	Is Google Still Requesting Consent to
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	Contained In Texas Investigative File	Reproduce
Exhibit 6(e)-01	Yes	No
Exhibit 6(e)-01-R	No	Yes
Exhibit 6(e)-02	Yes	No
Exhibit 6(e)-02-R	No	Yes
Exhibit 8-02	No	Yes
Exhibit 8-02-R1	No	Yes
Exhibit 8-02-R2	No	Yes
Exhibit 8-03	Yes	No
Exhibit 8-03-R	No	Yes
Exhibit 8-04	No	Yes
Exhibit 8-05	Yes	No
Exhibit 8-05-R1	No	Yes
Exhibit 8-05-R2	No	Yes
Exhibit 8-05-R3	No	Yes
Exhibit 8-05-RS	No	Yes
Exhibit 8-06	Yes	No
Exhibit 8-07	Yes	No
Exhibit 8-07-R1	No	Yes
Exhibit 8-07-R2	No	Yes
Exhibit 8-07-R3	No	Yes
Exhibit 8-08	Yes	No
Exhibit 8-09	Yes	No
Exhibit 8-09-R1	No	Yes
Exhibit 8-09-R2	No	Yes
Exhibit 8-10	No	Yes
Exhibit 8-10-R1	No	Yes
Exhibit 8-10-R2	No	Yes
Exhibit 8-03- UPDATED - CORRECTED	No	Yes
Exhibit 8-05- UPDATED – SECOND CORRECTED REVISED	No	Yes
Exhibit 8-07-R1- UPDATED	No	Yes
Exhibit 8-07-R2- UPDATED	No	Yes
Exhibit 8-08-R- UPDATED	No	Yes
Exhibit 8-09-R1- UPDATED	No	Yes
Exhibit 8-10-R1-	No	Yes

UPDATED		
Exhibit 8-10-R2- UPDATED	No	Yes

Neelesh Moorthy

Associate



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From: Fitch, Jackie <JFitch@cov.com>
Sent: Wednesday, May 1, 2024 9:21 AM
To: Moorthy, Neelesh <nmoorthy@axinn.com>; Patchen, Kate <KPatchen@cov.com>
Cc: Vissichelli, Allison M. <avissichelli@axinn.com>; Bitton, Daniel S. <dbitton@axinn.com>;
GoogleEDTX3PCommunications@freshfields.com
Subject: RE: Meta Subpoena | State of Texas et al. v. Google LLC, No. 4:20-CV-00957-SDJ (E.D. Tex.)

Caution: External Email

Thanks, Neel. Can you confirm the delta between the data productions you have in the Texas Investigative File and those that are outstanding that you have requested?

Best,
Jackie

Jacqueline Fitch

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www.cov.com

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From: Moorthy, Neelesh <nmoorthy@axinn.com>
Sent: Tuesday, April 30, 2024 2:29 PM
To: Patchen, Kate <KPatchen@cov.com>; Fitch, Jackie <JFitch@cov.com>
Cc: Vissichelli, Allison M. <avissichelli@axinn.com>; Bitton, Daniel S. <dbitton@axinn.com>;
GoogleEDTX3PCommunications@freshfields.com
Subject: RE: Meta Subpoena | State of Texas et al. v. Google LLC, No. 4:20-CV-00957-SDJ (E.D. Tex.)

[EXTERNAL]

Hi Kate,

Thank you for your email.

We looked into your first question below, and we were able to locate the following data productions in the Texas Investigative File: 6(e)-01, 6(e)-02, 8-03, 8-05, 8-06, 8-07, 8-08, and 8-09. As such, we do not need these to be reproduced. We have not been locate any of the other data productions from our April 24th letter in the Texas Investigative File.

With regard to your third question below, we unfortunately don't think it is feasible to limit the data productions, as it is too early to predict what may be used in expert discovery. I have reached out to Jackie and am happy to set up a call to walk through the contents of the productions, if that would be helpful in your review.

Lastly, as we discussed earlier, May 3rd currently still stands as the fact-discovery cutoff, and production after that date would require the court's permission. If Meta provides consent, we are happy to reproduce the productions on our end to minimize any burden on Meta.

We are happy to discuss live further if helpful.

Thank you,

Neel

Sent from Workspace ONE Boxer

Neelesh Moorthy
Associate



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On Apr 30, 2024 4:29 PM, "Patchen, Kate" <KPatchen@cov.com> wrote:

Caution: External Email

Daniel,

We have a couple of questions about Google's data request.

1. Can you confirm for us that you do not otherwise have some of the data already from TX?
Setting aside the EDVA refresh production, we want to make sure that the other data wasn't otherwise produced to you already in discovery.
2. If Meta agrees to reproduce data, would that data need to be produced before the fact discovery deadline? Has that deadline been continued?
3. Would it instead be possible for you to identify the specific data you plan to use rather than having us reproduce a larger data set?

Thank you,

Kate

Kate Patchen

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San Francisco, CA 94105-2533
T +1 415 591 6031 | kpatchen@cov.com
www.cov.com



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